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**SUBSTITUTE HOUSE BILL 2135**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Chappell, Horn, Rust, Mastin, Regala and Murray; by request of Department of Ecology)

Read first time 01/31/96.

1 AN ACT Relating to solid waste permit renewal; amending RCW  
2 70.95.030 and 70.95.180; and repealing RCW 70.95.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.95.030 and 1992 c 174 s 16 are each amended to read  
5 as follows:

6 As used in this chapter, unless the context indicates otherwise:

7 (1) "City" means every incorporated city and town.

8 (2) "Commission" means the utilities and transportation commission.

9 (3) "Committee" means the state solid waste advisory committee.

10 (4) "Department" means the department of ecology.

11 (5) "Director" means the director of the department of ecology.

12 (6) "Disposal site" means the location where any final treatment,  
13 utilization, processing, or deposit of solid waste occurs.

14 (7) "Energy recovery" means a process operating under federal and  
15 state environmental laws and regulations for converting solid waste  
16 into usable energy and for reducing the volume of solid waste.

17 (8) "Functional standards" means criteria for solid waste handling  
18 expressed in terms of expected performance or solid waste handling  
19 functions.

1 (9) "Incineration" means a process of reducing the volume of solid  
2 waste operating under federal and state environmental laws and  
3 regulations by use of an enclosed device using controlled flame  
4 combustion.

5 (10) "Jurisdictional health department" means city, county, city-  
6 county, or district public health department.

7 (11) "Landfill" means a disposal facility or part of a facility at  
8 which solid waste is placed in or on land and which is not a land  
9 treatment facility.

10 (12) "Local government" means a city, town, or county.

11 (13) "Modify" means to substantially change the design or  
12 operational plans including, but not limited to, removal of a design  
13 element previously set forth in a permit application or a disposal or  
14 processing activity that is not approved in the permit.

15 (14) "Multiple family residence" means any structure housing two or  
16 more dwelling units.

17 (~~(14)~~) (15) "Person" means individual, firm, association,  
18 copartnership, political subdivision, government agency, municipality,  
19 industry, public or private corporation, or any other entity  
20 whatsoever.

21 (~~(15)~~) (16) "Recyclable materials" means those solid wastes that  
22 are separated for recycling or reuse, such as papers, metals, and  
23 glass, that are identified as recyclable material pursuant to a local  
24 comprehensive solid waste plan. Prior to the adoption of the local  
25 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
26 local governments may identify recyclable materials by ordinance from  
27 July 23, 1989.

28 (~~(16)~~) (17) "Recycling" means transforming or remanufacturing  
29 waste materials into usable or marketable materials for use other than  
30 landfill disposal or incineration.

31 (~~(17)~~) (18) "Residence" means the regular dwelling place of an  
32 individual or individuals.

33 (~~(18)~~) (19) "Sewage sludge" means a semisolid substance  
34 consisting of settled sewage solids combined with varying amounts of  
35 water and dissolved materials, generated from a wastewater treatment  
36 system, that does not meet the requirements of chapter 70.95J RCW.

37 (~~(19)~~) (20) "Solid waste" or "wastes" means all putrescible and  
38 nonputrescible solid and semisolid wastes including, but not limited  
39 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,

1 demolition and construction wastes, abandoned vehicles or parts  
2 thereof, and recyclable materials.

3 ~~((+20+))~~ (21) "Solid waste handling" means the management, storage,  
4 collection, transportation, treatment, utilization, processing, and  
5 final disposal of solid wastes, including the recovery and recycling of  
6 materials from solid wastes, the recovery of energy resources from  
7 solid wastes or the conversion of the energy in solid wastes to more  
8 useful forms or combinations thereof.

9 ~~((+21+))~~ (22) "Source separation" means the separation of different  
10 kinds of solid waste at the place where the waste originates.

11 ~~((+22+))~~ (23) "Vehicle" includes every device physically capable of  
12 being moved upon a public or private highway, road, street, or  
13 watercourse and in, upon, or by which any person or property is or may  
14 be transported or drawn upon a public or private highway, road, street,  
15 or watercourse, except devices moved by human or animal power or used  
16 exclusively upon stationary rails or tracks.

17 ~~((+23+))~~ (24) "Waste reduction" means reducing the amount or  
18 toxicity of waste generated or reusing materials.

19 **Sec. 2.** RCW 70.95.180 and 1988 c 127 s 30 are each amended to read  
20 as follows:

21 (1) Applications for permits to operate new or existing solid waste  
22 ~~((disposal sites))~~ handling facilities shall be on forms prescribed by  
23 the department and shall contain a description of the proposed and  
24 existing facilities and operations at the site, plans and  
25 specifications for any new or additional facilities to be constructed,  
26 and such other information as the jurisdictional health department may  
27 deem necessary in order to determine whether the site and solid waste  
28 disposal facilities located thereon will comply with local and state  
29 regulations.

30 (2) Upon receipt of an application for a permit to establish,  
31 ~~((alter, expand, improve))~~ modify, or continue in use a solid waste  
32 ~~((disposal site))~~ handling facility, the jurisdictional health  
33 department shall refer one copy of the application to the department  
34 which shall report its findings to the jurisdictional health  
35 department.

36 (3) The jurisdictional health department shall investigate every  
37 application as may be necessary to determine whether an existing or  
38 proposed site and facilities meet all solid waste, air, and other

1 applicable laws and regulations, and conforms with the approved  
2 comprehensive solid waste handling plan, and complies with all zoning  
3 requirements.

4 (4) (~~When~~) The jurisdictional health department shall hold a  
5 public hearing before making a permit decision. If the jurisdictional  
6 health department finds that the permit should be issued, it shall  
7 issue such permit. Every application shall be approved or disapproved  
8 within ninety days after its receipt by the jurisdictional health  
9 department.

10 (5)(a) Except as provided in (b) of this subsection, every permit  
11 for a solid waste handling facility may be issued for a period of one  
12 to five years, as determined by the local jurisdictional health  
13 department.

14 (b) An existing solid waste handling facility shall be reviewed and  
15 issued a permit before making any changes meeting the criteria under  
16 RCW 70.95.030(13).

17 (6) The jurisdictional board of health may establish reasonable  
18 fees for permits and renewal of permits. All permit fees collected by  
19 the health department shall be deposited in the treasury and to the  
20 account from which the health department's operating expenses are paid.

21 NEW SECTION. Sec. 3. RCW 70.95.190 and 1984 c 123 s 9 & 1969  
22 ex.s. c 134 s 19 are each repealed.

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